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EXAMINER

KAO, CHIH CHENG G

ART UNIT PAPER NUMBER

2882

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,419

Applicant(s)

MORGAN ET AL.

Examiner

Chih-Cheng Glen Kao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/27/03 and 7/7/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30, 33-55, 57-63, 65-75 and 77-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30, 33-55, 57-63, 65-75 and 77-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/30/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18, 21, 25
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all recitations in claims 38-55, 57-63, 65-75, and 77-101 must be shown or the feature(s) canceled from the claim(s). No new matter can be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 7, 14, 16, 23, 24, 26, 34-37, and 87 are objected to because of the following informalities, which appear to be minor draft errors creating lack of antecedent basis and grammatical problems: (claim 7, lines 3-4, "the light output"), (claim 7, line 6, "which processor"), (claim 14, line 2, "which output measurement"), (claim 16, line 8, "which processor"), (claim 23, line 2, "which output measurement"), (claim 24, line 5, "output accorded to"), (claim 26, line 3, "the light output"), (claim 34, line 3, "the LED"), (claim 35, line 2, "the LED"), (claim 36, line 2, "the LED"), and (claim 37, lines 1-2, "the LED"), and (claim 87, line 3, "the additive mixture").

This objections may be obviated by the following respective suggestions: (claim 7, lines 3-4, replace "the" with - -a- -), (claim 7, line 6, replacing "which" with - -wherein the- -), (claim

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14, line 2, replacing "which" with - -wherein the- -), (claim 16, line 8, replacing "which" with - -wherein the- -), (claim 23, line 2, replacing "which" with - -wherein the- -), (claim 24, line 5, replacing "accorded" with - -according- -), (claim 26, line 3, replace "the" with - -a- -), (claim 34, line 3, insert - -at least one- - after "the"), (claim 35, line 2, insert - -at least one- - after "the"), (claim 36, line 2, insert - -at least one- - after "the"), and (claim 37, lines 1-2, insert - - at least one- - after "the"), and (claim 87, line 3, replacing "the" with - -an- -).

For purposes of examination, the claims will be treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 25, 27, 28, 30, 33, 35-39, 41, 43, 45, 46, 48-50, 53-55, 57-63, 65-67, 69, 71-75, 77-85, 87-89, 91, and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. (US Patent 6127783) in view of Fan (US Patent 6473065). Note, for purposes of being concise, the following claims are grouped based on similarities in the limitations of each respective claim, but not necessarily in order of its dependency to a preceding claim.

4. Regarding claims 1, 25, and 30, Pashley et al. discloses a system and method for calibrating and outputting a LED (Title and Abstract) comprising housing (Fig. 1, #18) to which

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an LED (Fig. 1, #12) or plurality of differently colored LEDs (Fig. 1, #10, 12 and 14) to be calibrated may be positioned therein, a photosensor (Fig. 1, #24) in the housing (Fig. 1, #12) for obtaining an output measurement by the LED (col. 2, lines 35-37), a processor in communication with the photosensor and LED (Fig. 2, #30) to formulate a calibration value based on a comparison of the output and a reference value, such that the calibration value permits subsequent light output to have a calibrated intensity (col. 2, lines 45-60), and a memory mechanism in association with the LED (Fig. 3, #34).

However, Pashley et al. does not seem to specifically disclose a memory mechanism to store a calibration value.

Fan teaches a memory mechanism to store a calibration value (col. 6, lines 23-25).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have the device of Pashley et al. with the memory of Fan, since one would be motivated to use the memory to look up a value for a desired intensity of light as shown by Fan (col. 6, lines 30-47).

5. Regarding claims 2, 49, 55, 60, and 65, Pashley et al. further discloses the housing accommodating a fixture having multiple LEDs (Fig. 1, #10, 12, 14) and the photodetector (Fig. 1, #18).

6. Regarding claims 27, Pashley et al. further discloses a user interface to vary light output parameters (col. 2, lines 55-60).

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7. Regarding claim 28, Pashley et al. further discloses a plurality of pre-programmed reference values stored (col. 2, lines 60-67).
8. Regarding claim 33, Pashley et al. further discloses assigning a relative value to the output (col. 2, lines 45-48).
9. Regarding claims 35-37, 39, 41, 50, 63, 67, 69, 75, 85, 87, and 88, Pashley et al. further discloses providing a desired mixing of intensity of whiteness (col. 1, lines 58-65) or color (col. 2, lines 45-55).
10. Regarding claims 38, 45, 53, 58, 66, 72, 77, 80, 81, and 84, Pashley et al. (Fig. 3) further discloses first and second light sources generating radiation (Fig. 1, #10 and 12) from first and second light commands with reference signals (Fig. 1, #41 and 42) and processing based on first and second calibrated intensities and values (Fig. 2, #11 and 13).
11. Regarding claims 43 and 71, Pashley et al. further discloses a partially transparent housing to mix radiation (Fig. 1, #22).
12. Regarding claims 46, 61, 73, 79, and 83, Pashley et al. in view of Fan suggests a device and method as recited above.

However, Pashley et al. does not seem to specifically disclose a memory mechanism to store calibration values.

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Fan teaches a memory mechanism to store a calibration values (col. 6, lines 23-25).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have the device and method of Pashley et al. in view of Fan with the memory, since one would be motivated to use the memory to look up a value for a desired intensity of light as shown by Fan (col. 6, lines 30-47).

13. Regarding claims 48, 54, 59, 74, 78, and 82, Pashley et al. further discloses applying a first and second reference signal, monitoring the radiation, making a comparison, and determining a calibration (Fig. 3, and col. 3, lines 5-18).

14. Regarding claims 57 and 62, Pashley et al. further discloses applying a calibration to one subsequent light command to control the first or second light source (Fig. 3, #37).

15. Regarding claims 89 and 91, Pashley et al. further discloses calibration means for compensating for perceptible differences or for adjusting commands (col. 2, lines 55-60).

16. Regarding claim 92, Pashley et al. further discloses means for applying a calibration value to at least one command (Fig. 3).

17. Claims 3, 4, 16-18, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan as applied to claim 1 above, and further in view of Ryczek (US Patent 5471052).

18. Regarding claim 3, Pashley et al. in view of Fan suggests a device as recited above.

However, Pashley et al. does not seem to specifically disclose an enclosed member to encompass at least the photosensor, so as to substantially block ambient light from reaching the photosensor.

Ryczek teaches an enclosed member to encompass at least the photosensor, so as to substantially block ambient light from reaching the photosensor (Fig. 4, #50).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan with the enclosed box of Ryczek, since one would be motivated to use it to measure the backside of the light of the LEDs for feedback processing techniques as implied from Ryczek (col. 6, lines 39-50).

19. Regarding claim 4, Pashley et al. further discloses communication by cable wire, network, or a combination (Fig. 1, #26).

20. Regarding claim 16, Pashley et al. in view of Fan and Ryczek suggests a device as recited above.

However, Pashley et al. does not disclose the LED not in the housing.

Ryczek teaches the LED (Fig. 3, #4A) not in the housing (Fig. 30, #14).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan and

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Ryczek with an LED not in the housing, since one would be motivated to have LEDs outside to illuminate an object (Fig. 3, #16) as implied from Ryczek (Fig. 3). Secondly, rearranging parts of an invention involves only routine skill in the art as implied from Ryczek (Fig. 3 and 4).

21. Regarding claim 17, Pashley et al. further discloses an activation unit communicating by wireless, non-wireless, or network connection (Fig. 1, #26).

22. Regarding claim 18, Pashley et al. further discloses a controller in the housing (Fig. 1, #30).

23. Regarding claims 23 and 24, for purposes of being concise Pashley et al. in view of Fan and Ryczek suggests a system as recited above.

However, Pashley et al. does not seem to specifically disclose a second memory mechanism in association with the output.

Fan teaches a memory mechanism in association with the output (col. 4, lines 46-50).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan and Ryczek with the memory associated with output, since one would be motivated to store the data for further processing if necessary as shown by Fan (col. 4, lines 46-50).

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24. Claims 5, 6, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan and Ryczek as applied to claims 3 and 17 above, and further in view of Knibbe (US Patent 5565855).

25. With regards to claims 5 and 6, Pashley et al. in view of Fan and Ryczek suggests a device as recited above.

However, Pashley et al. does not disclose wireless infrared communication.

Knibbe teaches wireless infrared communication (col. 5, lines 39-50).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan and Ryczek with wireless communication of Knibbe, since one would be motivated to use it for sending signals for central management of building function in control and regulation as implied from Knibbe (col. 1, lines 5-30).

26. With regards to claims 19 and 20, Pashley et al. in view of Fan and Ryczek suggests a device as recited above.

However, Pashley et al. does not disclose a remote processor not in the housing, communicating by wireless infrared means.

Knibbe teaches a remote processor (Fig. 1, #10) not in the housing, communicating by wireless infrared means (Fig. 1, #50).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan and

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Ryczek with a remote processor of Knibbe, since one would be motivated to use it for sending signals for central management of building function in control and regulation as implied from Knibbe (col. 1, lines 5-30).

27. Claims 7, 8, 13-15, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan as respectively applied to claim 45 above, and further in view of Kaelin et al. (US Patent 3740570)

28. Regarding claims 7 and 47, for purposes of being concise, Pashley et al. in view of Fan suggests a system as recited above.

However, Pashley et al. does not disclose a first and second light source with a first and second memory mechanism.

Kaelin et al. teaches a first and second light source with a first and second memory mechanism (col. 1, lines 19-25, and Figure 1, #16).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan with a memory and LED of Kaelin et al., since one would be motivated to have fewer interconnections as implied from Kaelin et al. (col. 1, lines 19-24).

29. Regarding claim 8, Pashley et al. further discloses communication by cable wire, network, or a combination (Fig. 1, #26).

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30. Regarding claim 13, Pashley et al. further discloses a user interface to vary light output parameters (col. 2, lines 55-60).

31. Regarding claim 14, for purposes of being concise, Pashley et al. in view of Fan and Kaelin et al. suggests a system as recited above.

However, Pashley et al. does not seem to specifically disclose a second memory mechanism in association with the output.

Fan teaches a memory mechanism in association with the output (col. 4, lines 46-50).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan and Kaelin et al. with the memory associated with output, since one would be motivated to store the data for further processing if necessary as shown by Fan (col. 4, lines 46-50).

32. Regarding claim 15, Pashley et al. further discloses formulating a calibration value from an adjustment of the output against the reference value, such that during subsequent generation, the calibration value permits the subsequent light to approximate an output according to the reference value (Fig. 3, #32-37).

33. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan and Kaelin et al. as applied to claim 7 above, and further in view of Knibbe.

Pashley et al. in view of Fan and Kaelin et al. suggests a device as recited above.

However, Pashley et al. does not disclose a wireless infrared transmitter and receiver.

Knibbe teaches a wireless infrared transmitter and receiver (col. 5, lines 50-62).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan and Kaelin et al. with the transmitter and receiver of Knibbe, since one would be motivated to use it for sending signals for central management of building function in control and regulation as implied from Knibbe (col. 1, lines 5-30).

34. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan and Kaelin et al. as applied to claim 7 above, and further in view of Belliveau et al. (US Patent 4962687).

Pashley et al. in view of Fan and Kaelin et al. suggests a device as recited above.

However, Pashley et al. does not disclose a display on which parameters regarding light output inform a user.

Belliveau et al. teaches a display on which parameters regarding light output to inform a user (col. 4, lines 25-48.)

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan and Kaelin et al. with the display of Belliveau et al., since one would be motivated to use it for making the device more user friendly in providing information such as intensity and memory information as implied from Belliveau et al. (col. 4, lines 10-20).

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35. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan and Ryczek as applied to claim 16 above, and further in view of Belliveau et al.

36. Regarding claim 21, Pashley et al. in view of Fan and Ryczek suggests a device as recited above.

However, Pashley et al. does not disclose a display on which parameters regarding light output to inform a user.

Belliveau et al. teaches a display on which parameters regarding light output to inform a user (col. 4, lines 25-48.)

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan and Ryczek with the display of Belliveau et al., since one would be motivated to use it for making the device more user friendly in providing information such as intensity and memory information as implied from Belliveau et al. (col. 4, lines 10-20).

37. Regarding claim 22, Pashley et al. further discloses a user interface to vary light output parameters (col. 2, lines 55-60).

38. Claims 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan as applied to claim 25 above, and further in view of Belliveau et al.

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39. Regarding claim 26, Pashley et al. in view of Fan suggests a device as recited above.

However, Pashley et al. does not disclose a display on which parameters regarding light output to inform a user.

Belliveau et al. teaches a display on which parameters regarding light output to inform a user (col. 4, lines 25-48.)

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan with the display of Belliveau et al., since one would be motivated to use it for making the device more user friendly in providing information such as intensity and memory information as implied from Belliveau et al. (col. 4, lines 10-20).

40. Regarding claims 28 and 29, Pashley et al. in view of Fan suggests a device as recited above.

However, Pashley et al. does not disclose pre-programmed reference values stored as a table of fixed values for the sources.

Belliveau et al. teaches pre-programmed reference values stored as a table of fixed values for the sources (col. 1, lines 40-51, and col. 6, lines 10-25).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan with pre-programmed values of Belliveau et al., since one would be motivated to have it for a processor to complete a subroutine with regards to lighting effects (col. 1, lines 35-51) as implied from Belliveau et al.

41. Claims 34 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan as applied to claims 33 and 87 above, and further in view of Levinson (US Patent 5019769).

Pashley et al. in view of Fan suggests a device and method as recited above.

However, Pashley et al. does not disclose scaling the light.

Levinson teaches scaling (col. 11, lines 19-24) the light (col. 1, lines 36-40).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device and method of Pashley et al. in view of Fan with the scaling of Levinson, since one would be motivated to use it as a way to check and adjust light as implied from Levinson (col. 1, lines 36-40, and col. 11, lines 19-24).

42. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan as applied to claim 38 above, and further in view of Shaw et al. (US Patent 4349870) and Knibbe.

Pashley et al. in view of Fan suggests a device as recited above.

However, Pashley et al. does not disclose an addressable processor and a network.

Shaw et al. teaches an addressable processor (Title and Fig. 1, #7). Knibbe teaches a network.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan with an addressable processor of Shaw et al., since one would be motivated to incorporate one for its

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small size and programmability, among other various reasons as shown by Shaw et al. (col. 1, lines 19-38).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan within a network of Knibbe, since one would be motivated to use it for sending signals for central management of building function in control and regulation as implied from Knibbe (col. 1, lines 5-30).

43. Claims 42, 51, 70, 86, 93, and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan as applied to claims 38, 50, 66, 84, and 92 above, and further in view of Mueller et al. (US Patent 6016038).

Pashley et al. in view of Fan suggests a device and method as recited above.

However, Pashley et al. does not disclose respective duty cycles of pulse width modulation signals.

Mueller et al. teaches respective duty cycles of pulse width modulation signals (claim 14).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device and method of Pashley et al. in view of Fan with the modulations of Mueller et al., since one would be motivated to incorporate this for more control of complex, pre-designed patterns of light as shown by Mueller et al. (Abstract).

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44. Claims 42, 51, 70, 86, 93, and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan as applied to claims 38, 50, 66, 84, and 92 above, and further in view of Hart et al. (US Patent 4857944).

Pashley et al. in view of Fan suggests a device and method as recited above.

However, Pashley et al. does not disclose respective duty cycles of pulse width modulation signals.

Hart et al. teaches respective duty cycles of pulse width modulation signals (col. 2, lines 49-57).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device and method of Pashley et al. in view of Fan with the modulations of Hart et al., since one would be motivated to incorporate this for more control of the current levels to the individual diodes as implied from Hart et al. (col. 2, lines 49-57).

45. Claims 44 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan and Mueller et al. or Hart et al. as respectively applied to claims 42 and 51 above, and further in view of Shaw et al. and Knibbe.

Pashley et al. in view of Fan and Mueller et al. or Hart et al. suggests a device as recited above.

However, Pashley et al. does not disclose an addressable processor and a network.

Shaw et al. teaches an addressable processor (Title and Fig. 1, #7). Knibbe teaches a network.

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It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan with an addressable processor of Shaw et al., since one would be motivated to incorporate one for its small size and programmability, among other various reasons as shown by Shaw et al. (col. 1, lines 19-38).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan within a network of Knibbe, since one would be motivated to use it for sending signals for central management of building function in control and regulation as implied from Knibbe (col. 1, lines 5-30).

46. Claims 68, 95, 100, and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan as applied to claims 66, 87, and 94 above, and further in view of Knibbe.

For purposes of being concise, Pashley et al. in view of Fan suggests a method and device as recited above.

However, Pashley et al. does not disclose a network with similar illumination devices.

Knibbe teaches a network (Fig. 1, #20) with similar illumination devices (Fig. 1, #41 and 51).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested method and device of Pashley et al. in view of Fan with a network of Knibbe, since one would be motivated to use it for sending signals for

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central management of building function in control and regulation as implied from Knibbe (col. 1, lines 5-30).

47. Claim 96 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan and Knibbe as applied to claim 95 above, and further in view of Sid (US Patent 6175201).

Pashley et al. in view of Fan and Knibbe suggests a device as recited above.

However, Pashley et al. does not disclose DMX protocol.

Sid teaches DMX protocol (Abstract).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested method and device of Pashley et al. in view of Fan and Knibbe with DMX protocol of Sid, since one would be motivated to use it to correlate to the standard of the United States Institute for Theatre Technology, Inc. as shown by Sid (col. 1, lines 20-22).

48. Claims 97-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pashley et al. in view of Fan as applied to claim 87 above, and further in view of Cacoub (US Patent 4922154).

For purposes of being concise, Pashley et al. in view of Fan suggests a device as recited above.

However, Pashley et al. does not disclose a reference value based on an ambient lighting condition so colored light approximates the ambient light condition.

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Cacoub teaches a reference value based on an ambient lighting condition (Abstract) so colored light approximates the ambient light condition (col. 1, lines 58-63).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the suggested device of Pashley et al. in view of Fan with lighting responsive to ambient conditions of Cacoub, since one would be motivated to use this so illumination to a person remains pleasing as implied from Cacoub (col. 1, lines 34-40).

Response to Arguments

49. The restriction requirement filed 6/4/03 has been withdrawn in light of the arguments filed 7/7/03.

50. Applicant's arguments with respect to claims 1-30, 33-55, 57-63, 65-75, and 77-101 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (703) 605-5298. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (703) 308-4858. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


gk


DAVID V. BRUCE
PRIMARY EXAMINER